

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2563 – HB 2651

March 9, 2010

SUMMARY OF AMENDMENT (015135): Deletes all language after the enacting clause and requires health care providers to have a policy in place that limits the use and disclosure of medical records, images, videos, or pictures intended to be used for appropriate medical educational purposes. The policy must include when and to whom it is appropriate to use and disclose the patient's information and when a written authorization from the patient or his or her authorized representative is required prior to use or disclosure. Establishes a patient's next of kin as the authorized representative for the patient if the patient becomes incapacitated or dies and there is no legal representative for the patient. Any required written authorization will meet the core requirements of federal law 45 CFR Parts 160 and 164.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$13,100/One-Time/General Fund
\$51,100/Recurring/General Fund
Not Significant/Health Related Boards

Increase Local Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – Not Significant/General Fund
Not Significant/Health Related Boards

Increase Local Expenditures – Not Significant

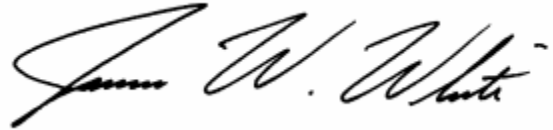
Assumptions applied to amendment:

- There will not be a fiscal impact to the current practices of the Disability Determination Services Division (DDSD) within the Department of Human Services.
- The Division of Health Related Boards may incur an increase in investigations and prosecutions of health care providers and health care facilities for not complying with the new requirements relative to the production of medical records. Any increase in expenditures will not be significant and can be accommodated within the existing resources of the Division.

- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2008, the Division had a balance of \$1,000,000.
- The local health departments may incur an increase in state and local expenditures to policies to comply with the provisions of the bill as amended. Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/kml